

Appl. No. 10/757,813
Atty. Docket No. 7294C
Amdt. dated May 8, 2006
Reply to Office Action of Feb. 6, 2006
Customer No. 27752

REMARKS

Claim Status

Claims 1-7, 10-12, and 15-17 are pending in the present application. No additional claims fee is believed to be due.

Claims 1 and 10 have been amended to more specifically characterize the location of the acceptance and storage elements. Support for these amendments can be found in the specification, for example, at page 21, lines 26-27; page 26, lines 4-7; page 26, lines 33-34; and Figures 5 and 6.

It is believed these changes do not involve any introduction of new matter. Consequently, entry of these changes is believed to be in order and is respectfully requested.

Objections to the Drawings

The Office Action has objected to the drawings because Figure 8 is not consistent with the description thereof on page 4. The Office Action alleges that Figure 8 is a cross section but is not described as such. Applicants respectfully disagree.

The application states, in regard to Figure 8, "In another embodiment, as shown in Figure 8, the absorbent article of the present invention may be an insert 21 or sanitary napkin which is intended to be applied separately to the wearer or to be placed in the wearer's underwear, an outer cover or the like." (application page 35, lines 26-28). The view shown in Figure 8 is not a cross section but is a plan view with a portion cut away to more clearly show the underlying structure. As such, Applicants have amended the description of Figure 8 to include the cut-away portion. Accordingly, Applicants assert that no amended drawings are needed.

Objections to the Specification

The Office Action has objected to the incorrect use of trademarks within the specification. Applicants have amended the specification in several locations and added registration symbols where applicable to any trademarks used in those several locations.

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Additionally, Applicants have made an earnest effort to correctly amend the specification in all of the locations specified in both the previous office action and the office action at bar.

Rejection Under 35 USC §103(a) Over Thompson, KC, Moore, and Lash

Claims 1-17 stand rejected under 35 U.S.C. § 103(a) as being obvious over U.S. Patent No. 5,281,208 issued to Thompson et al., hereafter "Thompson '208", U.S. Patent No. 3,929,135 issued to Thompson, hereafter "Thompson '135", European Patent No. 0215417 filed on behalf of Sneyd et al., hereafter "Sneyd", U.S. Patent No. 4,898,642 issued to Moore et al., hereafter "Moore", U.S. Patent No. 4,935,022 issued to Lash et al., hereafter "Lash". Applicant respectfully traverses the rejection by the Office Action.

In order to establish a prima facie case of obviousness, three requirements must be met. MPEP §2143. First, there must be some suggestion or motivation, either in the cited references or in the knowledge generally available to one ordinarily skilled in the art, to modify the reference. *Id.* Second, there must be some reasonable expectation of success. *Id.* Third, the cited references must teach or suggest all of the claim limitations. *Id.*

Amended claim 1 recites, in part, that a fecal storage element is "disposed between at least a portion of the acceptance element and the absorbent core" and that the fecal storage element is separate from the absorbent core. In contrast, Thompson '208 teaches "[f]ibers having intra-fiber capillary channels... used in conjunction with topsheet materials in absorbent articles such as diapers, bandages and, especially sanitary napkins." (Abstract). Thompson '208 further teaches "a fluid permeable nonfibrous formed-film topsheet... a layer comprising multiple fibers having external intrafiber capillary channels underlying the back face of said topsheet... [and] a fluid impermeable backsheet." (col. 5, lines 48-57 and col. 6, lines 10-11). However, Thompson '208 does not teach or suggest a fecal storage element which is separate from the absorbent core as required by amended claim 1.

Thompson '135 is incorporated by reference in Thompson as a suitable formed-film material which is useful. Thompson '135 teaches "[a]bsorptive devices, such as disposable diapers, presenting a dry surface feel to the user." (Abstract). "The surface feel is obtained when the topsheet is a liquid impervious material provided with tapered capillaries of critical diamters and tapers." (Abstract). However, Thompson '135 does

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not teach or suggest a fecal storage element which is separate from the absorbent core as required by amended claim 1.

Sneyd teaches "[a]n absorbent article (20) for proximate contact with a mammalian body adapted to receive a fluid containing discharge therefrom." (Abstract). Sneyd further teaches a sanitary napkin having an absorbent core matrix 22 disposed intermediate a baffle 24 and a cover 26. (col. 11, lines 34-38). Sneyd also teaches that the baffle is generally conventional to secure the sanitary napkin to the garment of the wearer. (col. 11, lines 38-41). However, Sneyd does not teach or suggest a fecal storage element which is separate from the absorbent core as is required by amended claim 1.

Moore teaches "cellulosic fibers having high fluid absorption properties and absorbent structures made from such cellulosic fibers." (col. 1, lines 12-14). Furthermore, Moore teaches that the "fibers have an average dry fiber twist count of at least about 4.5 twist nodes per millimeter, an average wet fiber twist count of at least about 0.5 twist nodes per millimeter less than the dry fiber twist count and a water retention value of between about 28% and about 50%." (Abstract). However, Moore does not teach or suggest a fecal storage element which is separate from the absorbent core as is required by amended claim 1.

Lash teaches absorbent articles "which utilize a particular type of stiffened cellulose fibers and a particular type and form of polymeric gelling agent particles to enhance the absorbency characteristics of such articles." (Abstract). Lash further teaches an absorbent core which includes two or more distinct layers, e.g. an upper fluid acquisition / distribution layer and a lower fluid storage layer. (col. 4, lines 29-34). Lash further teaches that the "principal function of the upper layer of the absorbent core is to receive fluids passing through the water pervious topsheet and to transport such fluids to other areas of the upper layer and eventually on to the fluid-holding, gelling agent-containing lower fluid storage layer of the core." (col. 4, lines 64-67 to col. 5, line 1).

The present application states that the fecal storage element is capable of storing viscous bodily wastes accepted by the acceptance element 150 or other overlying layer(s). (page 25, lines 8-10). The application further states that viscous bodily wastes refer to waste discarded from the body having a viscosity "of greater than about 10 cP and less than about 2×10^5 cP at a shear rate of one 1/sec." (page 15, lines 25-27). As such, Lash does not teach or suggest a fecal storage element which is separate from the absorbent core as required by amended claim 1.

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Because the suggested combination of references fails to teach or suggest all of the claim elements of amended claim 1, Applicants assert that amended claim 1 is nonobvious over the suggested combination of references. Additionally, because claims 2-9 depend from amended claim 1, Applicants assert that they too are nonobvious over the suggested combination of references for at least all of the reasons provided for amended claim 1.

Amended claim 10 includes the claim elements presented above with respect to amended claim 1, i.e. a fecal storage element "disposed between at least a portion of the acceptance element and absorbent core [and] wherein the fecal storage element is separate from the absorbent core." As such, Applicants assert that the amended claim 10 is nonobvious over the suggested combination of references for all of the reasons presented with regard to amended claim 1. Additionally, because claims 11-12 and 15-17 depend from amended claim 10, Applicants assert that claims 11-12 and 15-17 are nonobvious over the suggested combination of references also.

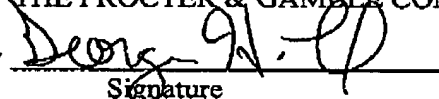
Conclusion

In light of the above remarks, it is requested that the Examiner reconsider and withdraw the rejection under 35 U.S.C. § 103(a). Early and favorable action in the case is respectfully requested.

Respectfully submitted,

THE PROCTER & GAMBLE COMPANY

By



Signature

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